

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OSCAR VIVALDO and GUADALUPE  
ROJA MORALES, on behalf of themselves and  
all others similarly-situated,

Plaintiffs,

-against-

UNITED TALMUDICAL ACADEMY OF  
KIRYAS JOEL, INC., and WOLF GLUCK, an  
individual, and, ARON SPITZER, an individual,

Defendants.

**Civil Action No.: 14-cv-2636  
(GWG)**

**NOTICE OF MOTION FOR FINAL APPROVAL OF CLASS AND COLLECTIVE  
ACTION SETTLEMENT, SERVICE AWARDS, AN AWARD OF ATTORNEYS' FEES  
AND EXPENSES, AND THE ENTRY OF FINAL JUDGMENT**

PLEASE TAKE NOTICE that upon the annexed Declarations of Jeffrey R. Maguire, Esq., and Stephen Donaldson, both sworn to on January 31, 2018, and all exhibits annexed thereto, and the Memorandum of Law submitted herewith, and upon all prior pleadings and proceedings heretofore had herein, Plaintiffs, on consent of all parties, move this Court for an Order:

- 1) Granting final approval of the Parties' Settlement Agreement and Release;
- 2) Authorizing the distribution of settlement checks to all Class Members that timely submitted claim forms representing their share of the Settlement Fund;
- 3) Awarding Service Awards, totaling \$15,000.00, to the Named Plaintiffs, Oscar Vivaldo and Guadalupe Roja Morales, in the amount of \$7,500.00 each;
- 4) Awarding attorneys' fees in the amount of \$250,000.00, for legal services performed in prosecuting and settling the claims in this action, to Class Counsel;

- 5) Awarding \$4,234.79 for costs and out-of-pocket expenses to Class Counsel;
- 6) Awarding \$13,750.00 for Claims Administration fees and costs to Settlement Services, Inc.;
- 7) Granting final certification of the following two settlement classes:
  - a. under Fed. R. Civ. P. 23(a) and (b)(3), all current and former non-managerial kitchen workers employed by Defendants between April 14, 2008 through the date the of Preliminary Approval Order who performed work on behalf of Defendant United Talmudical Academy of Kiryas Joel, Inc., prior to the implementation of a time clock; and
  - b. under 29 U.S.C. § 216(b), all current and former non-managerial kitchen workers employed by Defendants between April 14, 2011 through the date the of Preliminary Approval Order who performed work on behalf of Defendant United Talmudical Academy of Kiryas Joel, Inc., prior to the implementation of a time clock.
- 8) Providing for the release of all claims as specified in the Settlement Agreement by all Class Members who did not properly and timely opt-out of the settlement; and
- 9) Dismissing this action against Defendants with prejudice, but with the Court's continued jurisdiction over the construction, interpretation, implementation, and enforcement of the Parties' settlement and over the administration and distribution of the settlement fund.

Dated: New York, New York  
January 31, 2018

Respectfully submitted,

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By: \_\_\_\_\_

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